

MEMORANDUM

TO: Indiana Superintendents

FROM: Indiana Department of Education

DATE: February 23, 2010

RE: Instructional days

In light of the recent winter weather around the state, the Department has received a number of questions related to instructional days and school calendars. The purpose of this memorandum is to answer those questions. In short, a corporation will be funded for 180 days of instruction only when students are in the classroom for 180 days of instruction.

History

Before 1987, Indiana schools were not required to reschedule canceled instructional days. In 1987, the Indiana General Assembly passed a law extending the school year to 180 days. Indiana law now provides that each school corporation shall provide at least 180 student instructional days. If a school corporation does not conduct at least 180 student instructional days, the Department must impose a financial penalty against the corporation; the penalty amounts to the proportion of tuition support the corporation would have received had students been in school for those days.

The Department does have the authority to grant a waiver of the financial penalty for a particular number of canceled instructional days only if each day was canceled due to extraordinary circumstances. While in the time between 1987 and 2009 the Department may have granted waivers for a number of circumstances, it was not a blanket waiver.

The Department clarified its position regarding waivers in March of 2009. Because 2008-09 school calendars had already been set, the Department allowed some flexibility through the end of the 2008-09 school year. But beginning in the fall of 2009, the Department has consistently granted waivers only in extraordinary circumstances. Winter weather is not extraordinary. As such, the Department will not grant a waiver of the financial penalty where a corporation chooses to provide fewer than 180 days of instructional time.

Automatic waiver

For both accreditation and financial penalty purposes, the Department's automatic waiver policy remains in place. An automatic waiver is granted under the following circumstances:

- (a) School starts **no more than two hours** after the regular start of the school day, the delay was caused by weather-related conditions or a loss of utility service and the school schedule is adjusted so that students do not miss all of the planned instruction in any curriculum area.
- (b) School is dismissed **no more than two hours** before the regular end of the school day, and the dismissal was due to weather-related conditions or loss of utility service.

In the unusual event that a delay and an early dismissal take place on the same day, that day cannot be counted toward the 180 day requirement.

School calendars

Creating a school calendar that allows flexibility to meet minimum instructional time and provide “cushion” for the inevitable winter weather remains solely in the purview of the local school corporation. But meeting the instructional needs of the students and the minimum instructional time required by state law should remain the top priority. Where a school corporation has been closed due to winter weather, the corporation will need to make up the number of days necessary to ensure the students are provided at least 180 days of instructional time or incur the financial penalty for the number of days less than 180.

Options

A number of corporations have contacted the Department with questions and ideas about rescheduling instructional days. In answer to questions about commencement, there will be no special waivers for graduating seniors. To the extent the school calendar does not allow enough built-in makeup days between the end of instruction and the commencement ceremony, corporations will need to reschedule those days or consider rescheduling commencement.

Several corporations have inquired about rescheduling instructional time for Saturdays or during spring break. Both are viable options. So long as each rescheduled day provides the minimum instructional time required by state law (five hours for Grades 1 to 6 and six hours for Grades 7 to 12), that day will count toward the 180 days. Once the daily instructional time requirement is met for each day, it is a local decision how or whether to utilize additional time within the day. Because the law requires 180 days of instructional time, though, a corporation could not add hours to a day with a plan of “banking” those added hours to equal one instructional day. According to Indiana law, 180 days equals 180 different days, each of which must meet the instructional time requirement. Compulsory attendance does apply on makeup days, and students must be expected to attend.

Continuity of Learning Plans

The Department has also received questions about the use of continuity of learning plans to help make up missed days. Where a corporation has missed an entire school day due to weather, the corporation shall make up that day or incur the financial penalty. Continuity of learning services plans would only be used in the case of a single building closure.

ISTEP+

The March ISTEP+ test window will not change. The March ISTEP+ test window (March 1-10) is established by the State Board of Education to ensure a secure, standardized administration. Students have those eight school days to complete testing. Test pickups, test scoring and turnaround time are all dependent on Indiana meeting the deadlines established by these test windows.

Visit this link, www.in.gov/legislative/ic/code/title20/ar30/ch2.html, to read the Indiana Code chapter concerning instructional time and school calendars.